

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FERNANDO GASTELUM,

Plaintiff,

v.

NIHAL, LLC,

Defendant.

Case No. 2:23-cv-0577-KJM-JDP (PS)

ORDER TO SHOW CAUSE

Plaintiff filed a motion for summary judgment but failed to notice it for hearing as required by Local Rule 230. ECF No. 16. Accordingly, he was ordered to notice his motion for hearing in accordance with the court's local rules. ECF No. 17. Plaintiff subsequently filed a notice setting his motion for hearing on February 11, 2025, which was less than thirty-five days from the date the notice was filed. ECF No. 18; *see* E.D. Cal. 230(a) (requiring motions to be heard not less than thirty-five days after service). Accordingly, on January 22, 2025, the court vacated the February 11, 2025 hearing and again ordered plaintiff to notice his motion for hearing in accordance with Local Rule 230. ECF No. 19. To date, plaintiff has not complied with that order.

Plaintiff will be ordered to show cause why sanctions should not be imposed for failure to comply with the court's January 22, 2025 order. *See* E.D. Cal. L.R. 110 ("Failure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for imposition

1 by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of
2 the Court.”). To avoid further delay, the court will unilaterally set plaintiff’s motion for summary
3 for hearing.

4 Accordingly, it is hereby ORDERED that:

5 1. On the court’s own motion, plaintiff’s motion for summary judgment is set for hearing
6 on April 17, 2025, at 10:00 a.m.¹

7 2. Defendant shall file an opposition or statement of non-opposition to plaintiff’s motion
8 by March 13, 2025.

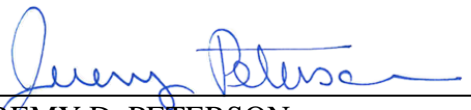
9 3. Plaintiff may file a reply to defendant’s opposition, if any, no later than March 27,
10 2025.

11 4. Plaintiff shall show cause, by no later than March 6, 2025, why sanctions should not be
12 imposed for failure to comply with the court’s January 22, 2025 order.

13 5. Failure to comply with this order may result in the imposition of sanctions, including a
14 recommendation that this action be dismissed.

15 IT IS SO ORDERED.

16 Dated: February 20, 2025

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18 JEREMY D. PETERSON
19 UNITED STATES MAGISTRATE JUDGE
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27 ¹ Defendant has also filed a motion for summary judgment, ECF No. 20, which is
28 currently set for hearing on April 17, 2025. The hearing on the parties’ motion will be conducted
via Zoom, and the invitation will be distributed one week prior to the hearing.